IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.412 OF 2007

Jivraj Poonamchand Patel .. Petitioner

Versus

Harish Jaising Patel & Ors. .. Respondents

Ms.Soumya Shrikrishna i/b. Shantilal & Co. for petitioner

Mr.Sumit i/b. Sumit & Co. for respondents.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 25th October 2007.

P.C.

. Heard both sides. Under a MOU of the year 2000, family members have agreed that the

estate of the deceased would be divided and distributed equally between the parties to the MOU who are also parties to this petition. The matter has been referred to the sole arbitrator and during the pendency thereof, the apprehension is that the parties to the MOU including the petitioner may create any rights in respect of portions of the property in their possession which ultimately defeats the very purpose of going for an Arbitration. Resultantly, even the award would be meaningless and futile.

2. I enquired from both sides as to whether they would like to maintain status quo with regard to the portion in their possession. Instead thereof, both sides agree that the petition be disposed of in terms of prayer clause (b) of the petition.

3. Accordingly, the petition is made absolute in terms of prayer clause (b) except the

bracketed portion. The prayer deleting the bracketed portion would read as under:-

> "(b) That pending the hearing and final disposal of the arbitration proceedings this Hon'ble Court be pleased to pass an order restraining the respondents, their servants and agents or anybody claiming through them from creating third party rights from parting with possession, from selling in any manner the said flats."

This order shall operate till the Arbitral proceedings are disposed of. No costs.

(S.C.DHARMADHIKARI, J)